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April 10, 2017

**BY ELECTRONIC MAIL**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: United States v. Daryl Campbell, 17 Cr 00112 (LGS)**

Dear Judge Schofield:

I respectfully submit this letter in support of Daryl Campbell's motion for bail pursuant to 18 U.S.C. § 3142 (a) (2) and the Fifth, Sixth, and Eighth amendments to the United States Constitution. Based on an analysis of factors to be considered pursuant to 18 U.S.C. § 3142 (g), there are a combination of conditions that will reasonably assure the appearance of Mr. Campbell in Court as well as the safety of the community. Accordingly, we respectfully request a bail hearing before Your Honor on the following date's: 4/24/17, 4/25/17, and 5/9/17. The case is scheduled before Your Honor on 5/9/17 for a status conference.

***1. Introduction***

Mr. Campbell is charged in the instant indictment with one count of felon in possession of a firearm, in violation of 18 U.S.C. § 922 (g) (1). Mr. Campbell is also charged with the receipt of a firearm in interstate commerce, in violation 18 U.S.C. § 924 (b) (2). Both charges stem from an alleged shooting incident that occurred on 5/28/16 here in New York County.

The New York County District Attorney's office immediately arrested and indicted an individual by the name of Roland Collins a/k/a Troy Avenue. Mr. Collins is a recording artist whose artistry is filled with the glorification of narcotic sales, shootings and the possession of firearms. Mr. Collins has also had members of his entourage assault other recording artist. Members of Mr. Collins entourage were also involved in another club shooting whereby an innocent bystander was shot and injured in a New York city club. Specifically, a member of Mr. Collins entourage who is known as "Banga" was charged with that shooting in New York County by the Manhattan District Attorney's office. At the time of the incident that occurred on 5/25/16 Banga was out on bail for that shooting incident, during the incident on 5/25/16 was shot and subsequently died. Mr. Collins was investigated as to that incident and charged. To date Mr. Campbell unlike Mr. Collins has not been charged by State prosecutors.

The firearm charged in the indictment against Mr. Campbell was recovered from a vehicle associated with Mr. Collins along with two other illegal firearms. Mr. Collins is observed on video surveillance firing that same weapon in which Mr. Campbell is accused of possessing.

The Government alleges that there is DNA present on the firearm of Mr. Campbell as well as two other individuals. As the Court is aware both parties are currently awaiting the OCME DNA file. Mr. Collins is currently being charged with possession of this firearm, attempted murder and other related charges in Manhattan Supreme Court stemming from the incident on 5/25/2016. Mr. Collins is currently out on \$500,000 bond. Mr. Campbell has not been charged by the Manhattan District Attorney's Office in regards to the incident. In May it will be a year since the incident and Mr. Campbell has yet to be charged.

## ***2. Procedural History***

Mr. Campbell was arrested at his home in Brooklyn on 1/16/2017 by the New York City Police Department without incident.

### ***a. 1/17/2017 Arraignment before magistrate judge Peck***

The Government sought detention at the initial arraignment. Pre-trial services deemed the defendant eligible for bail. Despite the Government's request for detention Magistrate Peck set bail at \$500,000.00 personal recognizance bond to be cosigned by five financially responsible persons and further secured by \$350,000.00 cash or property, travel restricted to the Southern Eastern Districts of New York. Surrender all travel documents and passports. Strict pretrial supervision with drug testing and treatment, home detention and electronic monitoring.

***b. 1/18/17 Appeal before District Court Judge Lewis A. Kaplan***

Judge Kaplan revoked the bail package set by Magistrate Peck. Judge Kaplan made his decision on Danger to the community and reserved his decision on risk of flight.

**3. Bail Argument**

The government during both prior bail arguments implied that there was a possibility of much more serious allegations being filed against Mr. Campbell. To date Mr. Campbell is not indicted in state or federal court with any allegations of assault or murder.

It is undisputed that Mr. Campbell is gainfully employed as a podcaster for the Loud Speakers Network which is located at 42 Broadway, New York, NY. In fact, the Government has alleged in their narrative for detention that Mr. Campbell's motive for the crime stemmed from comments made in his podcast. The Government has also made assertions concerning Mr. Campbell's prior gang membership. Its public knowledge and evident in several episodes of Mr. Campbell's podcast that he is against gang membership, and denounces gang membership. Mr. Campbell's podcast is a variety show that is diversified in topics as well as guest. In fact, Huffington Post has described Mr. Campbell's podcast as one of the most intriguing podcast shows in 2016.

After several mistakes in life Mr. Campbell has made efforts to change his life around and seek redemption through his occupation as

a podcaster and music and entertainment insider. Mr. Campbell prior to being detained was a regular on MTV and a frequent guest on Vice TV. The incident on 5/25/16 has been widely reported, Mr. Campbell has traveled extensively domestically and internationally since the incident. He has travelled extensively only to return to his home in East New York, Brooklyn. When Mr. Campbell was made aware that he was being sought for arrest he promptly retained legal counsel. At no point and time since 5/25/16 has Mr. Campbell been a risk of flight.

The criminal matter against Mr. Campbell is not overwhelming. The case hinges on forensic evidence as well as eyewitness testimony. Forensically, the Government has alleged that other individuals were in possession of the firearm that Mr. Campbell is under indictment for. In fact, the Government concedes that Mr. Collins is observed on video shooting the firearm. The Government concedes that the firearm was recovered from a vehicle associated with Mr. Collins and his entourage. Mr. Collins has been charged with serious allegations in State Court concerning the same narrative of facts stemming from the incident on 5/25/16 and is currently out on bail.

#### ***4. Conclusion***

Based on the above reasons, the Defense would request that Your Honor consider reinstating the bail conditions set on 1/17/17 by Magistrate Peck.

Respectfully,

*Kenneth J. Montgomery*

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